

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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JAMES A. BOYKINS,

Plaintiff,

v.

GARY M. LANIGAN, et al.,

Defendants.

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Civil Action No. 15-7769 (PGS)

**MEMORANDUM AND ORDER**

This matter has come before the Court on a civil rights Complaint filed by Plaintiff James A. Boykins pursuant to 42 U.S.C. § 1983. Presently before the Court is Plaintiff's motions to amend, ECF Nos. 23 & 30. The Court has reviewed the proposed amended complaints, and finds that the latest-filed proposed Third Amended Complaint, ECF No. 30-1, is properly filed as a replacement for all previous pleadings, and includes claims that share common questions of law or fact as to all defendants. As such, the latest motion to amend is granted, and the previous motion to amend is dismissed as moot.

However, to the extent that any claims raised in the Third Amended Complaint have been dismissed by the Court's March 8, 2017 Order, they remain dismissed because Plaintiff has not cured the defects identified by the Court in that Order.

IT IS therefore on this 17 day of April, 2017,

**ORDERED** that the motion to amend, ECF No. 30, is hereby **GRANTED**; it is further

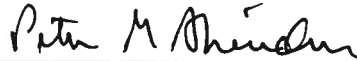
**ORDERED** that the motion to amend, ECF No. 23, is hereby **DISMISSED** as moot; it is further

**ORDERED** that the proposed Third Amended Complaint, ECF No. 30-1, shall be filed as an amended complaint; it is further

**ORDERED** that, pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue summons and the United States Marshal shall serve summons, the Third Amended Complaint and this Order upon any new defendants asserted in the Third Amended Complaint for whom summons have not yet been issued, with all costs of service advanced by the United States<sup>1</sup>; it is further

**ORDERED** that, pursuant to 42 U.S.C. § 1997e(g)(2), Defendants shall file and serve an answer, *see* Fed. R. Civ. P. 12(a)(1)(A) & 15(a)(3); and it is further

**ORDERED** that the Clerk shall serve a copy of this Order upon Plaintiff by regular mail.



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Peter G. Sheridan  
United States District Judge

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<sup>1</sup> Alternatively, the U.S. Marshal may notify defendants that an action has been commenced and request that the defendants waive personal service of a summons in accordance with Fed. R. Civ. P. 4(d).